UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,510	11/21/2003	David Mak-Fan	13210-96	2997

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EXAMINER
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ART UNIT	PAPER NUMBER
2131	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/719,510	MAK-FAN ET AL.
	Examiner	**Art Unit**	
	Syed Zia	2131	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 May 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070716

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on May 07, 2007. Original

application contained Claims 1-42. Applicant currently amended Claims 1, 2, 22, and 23. The

amendment filed on May 07, 2007 have been entered and made of record. Presently pending

claims are 1-42.

Response to Arguments

Applicant's arguments filed on May 07, 2007 have been fully considered but they are not

persuasive because of the following reasons:

Regarding Claims 1, 12, 22, and 23 applicants argued that the cited prior arts (CPA) [Le

et al. U. S. Patent 7,082,598] do not teach teaches nor suggests that *"a device connected to the*

computer can pretend that it is a hub by representing itself to the computer as such even though

it is not actually a hub".

This is not found persuasive. The system of cited prior art teaches an access controlling

method for computer system that involves dynamically causing change of source driver to

substitute driver by responding to request by operating system that is caused to associate

substitute driver with device, and can be used for controlling access to a device in computer

system. The method of cited prior art enables dynamic driver substitution capability for the device with no need for hardware support or modifications to existing operating system or to the device. The method can be performed even for devices that are required by the operating system during the boot-up procedure, as well as for devices that are not yet even connected. The method allows driver substitution for individual devices without affecting operation of other devices of same type.

As a result, the system of cited prior art does implement and teaches a system and method that relates to powering peripheral devices that can be connected to computers (Fig.9-11, and col.15 line 49 to col.18 line 64).

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 12, 22, and 33 and in subsequent dependent Claims. Accordingly, rejections for claims 1-42 are respectfully maintained.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Le et al. U. S. Patent 7,082,598.

2.   Regarding claim 1 Le teach and describe a system and method for at least one of charging and powering a non-hub peripheral device, the method comprising installing software in the peripheral device that enables the peripheral device to be at least one of charged and powered by a computer; connecting the peripheral device to the computer; using the software to send a first signal to the computer that identifies the peripheral device as a hub even though the peripheral device is not a hub; and the peripheral device receiving the at least one of power and charge from the computer (Fig.9-11, and col.15 line 49 to col.17 line 9).

3.   Regarding claim 12 Le teach and describe a system and method for at least one of charging and powering a peripheral device, the method comprising installing software in the peripheral device that enables the peripheral device to be at least one of charged and powered by a computer; connecting the peripheral device to the computer; using the software to send a first signal to the computer that identifies the peripheral device as a hub; using the software to send a second signal to the computer that indicates that one more peripheral device is connected to the peripheral device identified as a hub than is actually connected to the peripheral device identified

as a hub; and the peripheral device identified as a hub receiving the at least one of power and

charge from the computer (Fig.9-11, and col.15 line 49 to col.17 line 9).

4.   Regarding claim 22 Le teach and describe a system for at least one of charging and

powering a non-hub peripheral device, the system comprising a connector for connecting the

device to the computer; a software module in the peripheral device that enables the peripheral

device to be at least one of charged and powered by a computer, the software module including a

first signal module for sending a first signal to the computer that identifies the peripheral device

as a hub even though the peripheral device is not a hub; and a power-charge receptor in the

peripheral device for the at least one of powering or charging the peripheral device from the

computer (Fig.9-11, and col.15 line 49 to col.17 line 9).

5.   Regarding claim 33 Le teach and describe a system for at least one of charging and

powering a peripheral device, the system comprising a connector for connecting the device to the

computer; a software module in the peripheral device that enables the peripheral device to be at

least one of charged and powered by a computer, the software module including a first signal

module for sending a first signal to the computer that identifies the peripheral device as a hub; a

second signal module for sending a second signal to the computer that indicates that one more

peripheral device is connected to the peripheral device identified as a hub than is actually

connected to the peripheral device identified as a hub; and a power-charge receptor for the at

least one of powering and charging the peripheral device identified as a hub from the computer

(Fig.9-11, and col.15 line 49 to col.17 line 9).

6.   Claims 2-11, 13-21, 23-32, and 34-42 are rejected applied as above in rejecting claims 1,

12, 22, and 33. Furthermore, Le teach and describe a system and method for powering peripheral

device: wherein:

As per Claim 2, further comprising, after the step of connecting, using the software to

send a second signal to the computer that indicates that a different peripheral device is connected

to the peripheral device identified as a hub, wherein the peripheral device identified as a hub

receives the at least one of power and charge from the computer in response to the first and

second signals (col.15 line 49 t col.16 line 16).

As per Claim 23, the software module further includes a second signal module for

sending a second signal to the computer that indicates that a different peripheral device is

connected to the peripheral device identified as a hub (col.15 line 49 to col.16 line 16).

As per Claim 3,13, 24, 34 the peripheral device is one of a personal digital assistant

(PDA), a telephone, a digital camera, a modem, a keyboard, a mouse, a joystick, a CD-ROM

drive, a tape drive, a floppy drive, a digital scanner, a printer, a data glove and a digitizer (col.15

line 49 to col.15 line 63).

As per Claim 4, 14, 25, and 35, the step of connecting includes attaching a cable having a

universal serial bus (USB) compliant plug and port combination from the peripheral device to the

computer (col.16 line 18 to line 24).

As per Claims 5, 15, 26, and 36, the first and second signals are compliant with the USB

standard (col.15 line 49 to col.16 line 16).

As per Claims 6, 16, 27, and 37, the computer includes a hub driver that complies with the USB standard (col.17 line 59 to col.18 line 23).

As per Claims 7, 17, 28, and 38, the hub driver is a Windows ™ based hub driver (col.17 line 30 to line 57).

As per Claims 8, 18, 29, and 39, the step of using the software to send a first signal includes identifying the peripheral device to the computer as a zero-port hub (col.17 line 10 to line 19).

As per Claims 9, 19, 30, and 40, the step of using the software to send a first signal includes identifying the peripheral device to the computer as a one-port hub (col.18 line 25 to line 64).

As per Claims 10, 20, 31, and 41, the first and second signals are compliant with a universal serial bus (USB) standard (col.17 line 59 to col.18 line 23).

As per Claims 11, 21, 32, and 42, the computer includes a Windows ™ based hub driver that complies with the USB standard (col.17 line 30 to line 57).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz
July 16, 2007

SYED A. ZIA
PRIMARY EXAMINER